

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1427

Introduced by Senator Pavley

February 19, 2016

An act ~~relating to workforce development.~~ *to add Section 4850.4 to the Welfare and Institutions Code, relating to developmental services.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1427, as amended, Pavley. Workforce development: developmentally disabled individuals.

Existing law, the Lanterman Developmental Disabilities Services Act, authorizes the State Department of Developmental Services to contract with regional centers to provide services and supports to individuals with developmental disabilities. Existing law governs the habilitation services provided for adult consumers of regional centers, including work activity programs, as described, and establishes an hourly rate for supported employment services provided to consumers receiving individualized services. Existing law requires the department, contingent upon receiving federal financial participation, to conduct a 4-year demonstration project to determine whether community-based vocational development services will increase employment outcomes for consumers and reduce purchase of service costs for working age adults.

This bill would require, on or before July 1, 2017, the department to establish a Work Transition Project with guidelines and an approved process for regional centers to allow blended or braided forms of integrated services using allowable services under existing state and federal law and to assist in the state's efforts to reach compliance with the federal Home and Community-Based Services Waiver regulations. The bill would authorize the department to waive, until March 31, 2019,

regulatory requirements that inhibit the provision of services in competitive integrated settings. The bill would require the department to assess the decrease in time that it takes a consumer under these provisions to become job ready and to transition into an integrated work setting and to report that information to the budget committee of each house of the Legislature during the annual budget process.

~~The federal Workforce Innovation and Opportunity Act provides for workforce investment activities, including activities in which states may participate. Existing law also provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services. The Medi-Cal program is, in part, governed and funded by federal Medicaid Program provisions. Existing federal law provides for various home- and community-based services waivers.~~

~~This bill would express the intent of the Legislature to enact legislation that would ensure that individuals with developmental disabilities who are earning income do not lose their vocational opportunities and earning power due to changes related to the home- and community-based services settings rule, the implementation of the Workforce Innovation and Opportunity Act, or the debate over the use of productivity-based pay.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. (a) It is the intent of the Legislature to ensure*
- 2 *that individuals with developmental disabilities who are earning*
- 3 *income do not lose their vocational opportunities and earning*
- 4 *power due to changes related to the home- and community-based*
- 5 *services settings rule due to the implementation of the Workforce*
- 6 *Innovation and Opportunity Act.*
- 7 *(b) Individuals with developmental disabilities struggle to find*
- 8 *gainful employment. Unemployment among the people with*
- 9 *developmental disabilities has been estimated at more than 80*
- 10 *percent.*
- 11 *(c) California's Employment First Policy and changes to the*
- 12 *federal home- and community-based services settings rule require*
- 13 *the state to increase opportunities for individuals with*

1 *developmental disabilities to achieve competitive integrated*
2 *employment.*

3 *(d) There are thousands of consumers today earning some*
4 *income in existing employment programs who are complying with*
5 *current rules and deserve specific attention during this transition*
6 *period to ensure they have the opportunity for, and access to, more*
7 *integrated work settings of their choice.*

8 *(e) In order to increase the self-sufficiency of adults with*
9 *developmental disabilities, including increased earning capacity*
10 *and reduced government benefit support, it is important that the*
11 *state implement a program to provide opportunities for individuals*
12 *to engage in job discovery and job readiness training to assist*
13 *their transition to more competitive integrated employment and*
14 *to ensure employment success.*

15 *(f) The Governor and the Legislature must address the growing*
16 *need for new models of assessment, career training, and expanding*
17 *employment opportunities and support options for adults with*
18 *developmental disabilities who currently work in less integrated*
19 *work activity programs and group supported employment earning*
20 *less than minimum wage. If this population is left without*
21 *purposefully designed pathways into more competitive integrated*
22 *employment, these adults will be at higher risk of public*
23 *dependency throughout the course of their lives.*

24 *SEC. 2. Section 4850.4 is added to the Welfare and Institutions*
25 *Code, to read:*

26 *4850.4. (a) (1) On or before July 1, 2017, the department*
27 *shall establish a Work Transition Project with guidelines and an*
28 *approved process for regional centers to allow blended or braided*
29 *forms of integrated services using allowable services under existing*
30 *state and federal law. The project shall assist in the state's efforts*
31 *to reach compliance with the federal Home and Community-Based*
32 *Services Waiver regulations by March 31, 2019.*

33 *(2) A maximum of 75 hours per quarter, at no more than an*
34 *equivalent of \$40 forty dollars (\$40) per hour shall be allowed for*
35 *vendors to provide needed job readiness and support services*
36 *aimed at individualized transition services for consumers currently*
37 *placed in segregated work settings who choose to move toward*
38 *competitive integrated employment.*

39 *(3) For purposes of this subdivision, "blended or braided forms*
40 *of integrated services" means services for a single consumer that*

1 are funded by multiple agencies or entities and that work as a
2 single program.

3 (b) The department shall allow regional centers to customize
4 skill development and job readiness programs for consumers, as
5 appropriate, by partnering with work activity programs and group
6 supported employment vendors to transition those consumers who
7 choose to move towards integrated competitive employment. The
8 department may waive, until March 31, 2019, regulatory
9 requirements that inhibit the provision of services in competitive
10 integrated settings.

11 (c) The department shall assess the decrease in time that it takes
12 a consumer under these provisions to become job ready and to
13 transition into an integrated work setting. The department shall
14 report to the budget committee of each house of the Legislature
15 during the annual budget process regarding the use of these
16 provisions and the measurable outcomes. Any report submitted
17 pursuant to this subdivision shall be submitted in compliance with
18 Section 9795 of the Government Code.

19 ~~SECTION 1.—It is the intent of the Legislature to enact~~
20 ~~legislation that would ensure that individuals with developmental~~
21 ~~disabilities who are earning income do not lose their vocational~~
22 ~~opportunities and earning power due to changes related to the~~
23 ~~home- and community-based services settings rule, the~~
24 ~~implementation of the Workforce Innovation and Opportunity Act,~~
25 ~~or the debate over the use of productivity-based pay.~~